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THE
TRYAL and CONDEMNATION
OF

Several Notorious Malefactors, at a Sessions of
O T E R and *T E R M I N E R* holden for
the City of *L O N D O N*, County of *Middlesex*, and
Goal Delivery of *Newgate*: Beginning *August*
the 31. Ending *September* the 1. 1681.

AT THE

Sessions House

IN THE

OLD-BAYLY:

With the Names of those that receiv'd Sentence
of Death, Burnt in the Hand, Transported,
and to be Whipt.

*Together with an Account of the proceedings against the Right Honorable the
Earl of Shaftsbury, and the Lord Howard Baron of Escreek. Mr.
Wilmore, and Mr. Whittaker, all Prisoners in the Tower.*

A *NN SMITH*, a notorious offender received her Tryal for steal-
ing several parcels of Linnen-Cloth, Silk, and other things
to a considerable vallue, in the Parish of *St. Atholows* the less,
the Goods being for the most part found in her custody, the
which she alledge'd were brought to her, but failing to prove the
same, she was found Guilty.

Elizabeth Povel of *St. Martins* in the Fields, was Tryed for Murder-
ing her Bastard Male-Infant, and hiding it in her Desk, the which she
refused to confess, till search was made, and then declared where she
had bestowed it, desiring the people to be good to her, for that it was
Still-born, but she not calling any to her Labor, to testify the same,
according to the Statute of King *James*, which there was read, she
was brought in Guilty of Murder.

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After

After the Court had sat about two hours, four Petitions were humbly offered to the Honourable Judges and Justices of the Peace, sitting upon Commission of Oyer and Terminer, and of Goal-delivery &c. viz. That of the Right Honourable the Earl of *Shaftsbury*, that of my Lord *Howard*, Barron of *Escreck*, that of Mr. *Wilmore*, and that of Mr. *Whittaker*, all remaining Prisoners in the Tower, as charged with *High-Treason*: Their Prayers by their Petitions (which the Court ordered to be read) were, that being they had been Committed Prisoners for High-Treason, and there continued a considerable time without any prosecution, that they might be brought by *Habeas Corpus*, and proceeded against, or Bail'd, according to the Act made and provided, for the securing the Liberty of the Subject, to which my Lord Chief Justice returned answer, That it was the Opinion of all the Judges, it could not be done, the Tower of London not being within the Jurisdiction of this Court, but that they must refer themselves to the High-Courts at Westminster, as the Kings-Bench &c. and there, if no Prosecution was made, they might be relieved by Bail, or words to that effect:

John Martyn a French Merchant was Tried for killing one Monsieur *Rainbow*, in the Parish of *S. Martins* in the Fields, on the 22 of August last; they having been formerly Dealers together, and Drinking at a Tavern, fell to high Words, which occasioned Blows, and finally the Drawing of their Swords, when making several Passes, the Prisoner wounded *Rainbow* in the Belly so mortally that he fell; saying, He had his Deaths Wound; at which the Prisoner seemed to rejoice; saying, so much the better, he owed him something a long time, &c. The Prisoner could speak no English, and therefore had an Interpreter, as likewise a Jury for the purpose, being half English and half French, who upon hearing the Evidence on both parts, found him Guilty.

A Fellow was Tried for breaking open a House at *Acton*; taking thence Pewter and Brasses, and such like Household Goods; but being pursued, he dropped them in a Close adjoining to the House, but the Fact being done in the Day time, he was found Guilty of the Felony only.

Richard Eaton and *William Tenant* were Tried for Stealing 500 Weight of Tobacco, valued at eighteen pound, from *Dice Key*, the Goods of one Mr. *Harrington*, which Felony being plainly proved against the former, he was found Guilty.

Roger Swinney was Tried for Stealing a Studded Watch, valued at three pounds from *Benjamin Smith*, in the Parish of *St. Martins* in the Fields; which upon search was found pawned at a Goldsmiths in *Holborn* for about 40 shillings; the Prisoner pretended he had it of another party, that could not be now produced: but by what was gathered from his Confession and the Evidences own Knowledg, he was found guilty; having been once before condemn'd for Murder and Pardoned.

Barbara Orchard, was tried for picking the Pocket of *Francis Chiffmoss*, a French Gentleman, in Strand-Lane under pretence of picking him up; from whom she took a Watch, a Tobacco-box, and some money

money: But it being committed in the Night-time, and she not apprehended till some time after, she was acquitted.

Charles Stanley and *Ann Camfel* were tryd for stealing about 3 pounds worth of Silk, in the Parish of *St. Dunstons* in the West, on the 23 of July, which being proved against them, by reason some part of the Goods were found in the Lodging of the latter, they were both found guilty to the value of 10 d.

Henry King, a Country fellow, was tryed for stealing an Horse from *William Edmunds* on the 4th of July, valued at 50 shillings, the which he had before the Justice acknowledged, he only borrowed to lend to a Friend in the Country, the Prosecutors being his Master, but could not be perswaded to be so ingenious upon his Tryal: for want of which Plea, 'twas adjudged Felony, and he found Guilty.

John Clark was tryd for stealing a Ring from one *Mr. Horn*, a Goldsmith in *Woodstreet*, the which being found about him when apprehended, the Jury brought him in Guilty.

Three Bills for Subornation being drawn up against *Mr. Smith*, *Mr. Macnamara*, and *Mr. Hays*, in order to be Sworn to before the Grand Jury, were offered to the consideration of the Court, who after some Debate ordered them to be read, the purport of which were, That they had been suborned against the Earl of *Shaftsbury*, &c. The Council in the Cause for the Plaintiff being *Mr. Smith*, but the Court would by no means allow they should be presented, by reason they were drawn up without the knowledge of *Mr. Attorney General*, saying, That if such practices were once allowed, it would prevent the course of the Law, and render invalid all manner of Evidence.

This being over-ruled, *Mr. Sheriff Bethel* stood up and acquainted the Court, That he had lately received an Information, that some persons had a Design against his Life, and had offered to lay Wagers of accomplishing the Design by *Christmas* next, and desired that he might wait upon the Right Honourable the Lord Chief Justice, with his Information, but his Lordship was pleased to answer, That he would not admit of any such thing in private, for what he did in that nature must be done in open Court, directing him to attend upon *Mr. Attorney General* with the same.

A while after the Grand Jury for *London*, presented *Jaanna Broom*, for publishing the Weekly Pamphlet, Intituled *The Observer*, and *Benjamin Took*, for publishing a Pamphlet, Intituled, *Heracitus Ridens*, as likewise *Mr. Thomsons Loyal Protestant Domestic Intelligence*, as Pamphlets designed to divide his Majesties true Protestant Subjects, and much Reflecting upon the Magistracy of this Honourable City of *London*.

Then they delivered in a Paper, Expressing their unfeigned thanks to the Right Honourable *Sir Patience Ward* Knight, Lord Mayor of the City of *London*, and the Right Worshipful *Slingsby Bethel* and *Henry Cornish* Esqrs Sheriffs, for the good service they had done the City in the Execution of their Offices, and discharging their great Trusts, &c.

George Toms was try'd for stealing a silver Watch Aug. 22. from *W. Yong*, of *S. Leonard's* *Parish*, the which was afterwards stop'd at a Brokers in *Hosier lane*. But upon hearing the Evidence, it prov'd That another whom he pretended sent him to pawn the same, own'd it at the Brokers shop, when he staid it; whersupon the Prisoner was acquitted, the other party having made his Escape.

Clifford Glasfium was tryed for the Murder of *John Tunk*, the Circumstances according to Evidence were these: The Prisoner keeping a Cooks-Shop near *Clarcken-Well-Green*, receiving some small Affront from the Deceased, who came into his House, he endeavour'd to get a Constable to apprehend him, and thereupon following him, as he pretended, to secure him, and the Deceased insisting to be gon, the Prisoner fell upon him, and, by throwing him down, broke his Leg short off, and not content with that, continued beating him for some time after: of which beating, and by reason of the Gangreening of his leg in Eight dayes time he dyed: yet the Jury acquitted the Prisoner to the no small Wonder of the Court.

William Wats was Tryed for a Felony and Burglary committed in the Parish of *Stepny*, in July last, on the House of *Andrew Gvescom*, and taking thence several Goods to the value of 40 shilli gs, which upon pursuit were found dropped in a Court before the House, but he Pleading that he came to look for a Boat (the Yard facing the water-side and that he never was in the House, the Witness not being able to prove the contrary, he was acquitted.

Loyalus Anderson, alias, *Munson*, one of the three Jesuits that have lain so long under Conviction in *Newgate*, having obtained his Majesties Gracious Pardon, but with condition to depart the Land in 14 days, Pleading the same upon his Knees, and had it allowed; but being called upon to give Gloves as is usual in such Cases, he Pleading Poverty, but notwithstanding was not discharged out of Custody, till he had given security to have the same performed.

William Hetherington having been Bailed out of *Newgate*, made his Prayer, That seeing no Prosecution was made against him, he might be fully Discharged, which was done by Proclamation.

Peter Drew received his Tryal, for that he in the Parish of *White-Chappel* Stole two Kettles and several other things, being the Goods of *Henry Crackpis*, for which he was found Guilty to the value of Ten-Pence.

At this Sessions 7 persons received Sentence of Death, viz. *Richard Eaton*, *Roger Swinny*, *Henry King*, *Ann Smith*, *Mary Baker*, *Mary Lane*, and *Elizabeth Powell*; Ten burnt in the Hand, Two ordered for Transportation, and Three to be Whipt. And so concluded this remarkable Sessions.